

REMARKS

The Office Action mailed on August 10, 2005, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-96 were pending, with claims 48-50, 52, 85-91, 94 and 95 being withdrawn. By this paper, Applicant does not cancel or add any claims. Therefore, claims 1-97 remain pending.

Claim 53 stands amended. Support for the amendments may be found, among other places, at paragraph 0068 of the originally filed application, as well as pending claim 1.

Applicant respectfully submits that the present application is in condition for allowance for at least the reasons that follow.

Indication of Allowable Subject Matter

Applicant thanks Examiner Phan for allowing claims 17, 27-48, 50-52 and 76-97.

Claim Objections

In the Office Action, claims 49 and 53 stand objected to as containing informalities. In response, Applicant amends these claims, as seen above, and respectfully requests reconsideration in view of the above amendments.

Applicant thanks examiner Phan for taking the time to propose changes to the claims to alleviate the objections.

Rejections Under 35 U.S.C. § 102

Claims 1-16 and 18-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Neymann (United States Patent Application No. 2005/0029343), Beenau (United States

Patent Application No. 2005/0116810), and Burger (United States Patent Application No. 2005/0108096), with claims 53-75 being rejected under the same statute in view of O'Toole (United States Patent Application No. 2005/0088314) and Barber (United States Patent Application No. 2004/010900).

Claims 1-16 and 18-26 also stand rejected under 35 U.S.C. §102(b) as being anticipated by Schmitt (United States Patent No. 5,903,225), with claims 53-75 also being rejected under the same statute in view of Dames (United States Patent No. 5,815,091).

In response, Applicant makes the above amendment to claim 53, and respectfully traverses the rejections of claim 1 and the claims that depend therefrom. Applicant respectfully submits that the above claims are allowable for at least the reasons that follow.

Applicant relies on MPEP § 2131, entitled "Anticipation – Application of 35 U.S.C. 102(a), (b), and (e)," which states that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." It is respectfully submitted that none of the cited references describe each and every element of any pending claim.

Neymann Reference: Claim 1 recites that (i) a radio frequency transponder is *coupled to* (ii) a fingerprint sensor system, *both of which are attached to a thin sheeted substrate*. Neymann does not teach that a radio frequency transponder is coupled to a fingerprint sensor. Neymann does discuss transponder cards in paragraph 0002 in an apparent assessment of the prior art. However, that is the only mention of a transponder in the entire reference. There is no teaching of a transponder coupled to a fingerprint sensor as claimed, nor is there any teaching that a transponder is even located on the same sheeting substrate as a fingerprint sensor. Neymann thus does not anticipate claim 1, or any claim that depends therefrom.

Beenau Reference: Claim 1 recites that the radio frequency transponder coupled to a fingerprint sensor system *are attached to a thin sheeted substrate*. Beenau does not disclose such components connected to a “thin sheeted substrate,” and the Office Action does not identify where the application teaches that element 102 of Beenau meets this recitation. Beenau thus does not anticipate claim 1, or any claim that depends therefrom.

Burger Reference: Claim 1 recites that the radio frequency transponder coupled to a fingerprint sensor system are attached to *a thin sheeted substrate*. Burger does not disclose such components connected to a “thin sheeted substrate.” Burger states that “the housing 2602 may be approximately seventy millimeters wide, approximately one hundred millimeters long, and approximately *fifteen millimeters deep*,” and depicts, in Fig. 26F, that the housing 2602 is “15 mm” thick. Thus, any radio frequency transponder coupled to a fingerprint sensor of Burger is not connected to “a thin sheeted substrate.” Burger thus does not anticipate claim 1, or any claim that depends therefrom.

Schmitt Reference: Claim 1 recites that the radio frequency transponder *coupled* to a fingerprint sensor system is attached to *a thin sheeted substrate*. The alleged fingerprint sensor system, element 30, of Schmitt, is not attached to the alleged substrate 202, 203. Fig. 13 clearly shows that element 202, 203, on which element 30 appears to be mounted, is not thin and is not sheeted. Col. 12, lines 7-9 of Schmitt, describe element 202 as a programming device and describe element 203 as a housing. Thus, any radio frequency transponder coupled to a fingerprint sensor of Schmit is not connected to “a thin sheeted substrate.” Schmitt thus does not anticipate claim 1, or any claim that depends therefrom.

* * * * *

O'Toole: Claim 53, as amended, recites a radio frequency transponder coupled to a magnetic field sensing system adapted *to determine at least one of (a) direction, (b)*

heading (c) position and (d) movement based on a sensed magnetic field; and a thin sheeted substrate, said radio frequency transponder and said magnetic field sensing system being attached to said substrate.

O'Toole does not teach the features of claim 53, as amended. Indeed, it is not clear that O'Toole (or any other reference, for that matter) anticipated claim 53 prior to this amendment. In this regard, with respect to O'Toole, the Office Action merely broadly asserts that paragraphs "261+," "551+," "892+" provide anticipatory teachings. Applicant respectfully submits that the PTO should more precisely identify the portions of the 1050 paragraph application that render the invention of claim 53 allegedly anticipated, in the event that this claim is again rejected.

Regardless, O'Toole does not teach a magnetic field sensing system adapted to function as recited. O'Toole appears to only teach a badge with a transponder. It does not teach a magnetic field sensing system that is adapted to determine direction, heading, position or movement based on a sensed magnetic field, that is connected to a transponder and attached to a substrate. Thus, O'Toole does not anticipate claim 53, nor does it anticipate any of the claims that depend therefrom.

Barber: Claim 53, as amended, recites a radio frequency transponder coupled to a magnetic field sensing system adapted *to determine at least one of (a) direction, (b) heading (c) position and (d) movement based on a sensed magnetic field; and a thin sheeted substrate*, said radio frequency transponder and said magnetic field sensing system being attached to said substrate.

Barber does not teach the features of claim 53, as amended. Barber teaches a device used to detect and control pests, as its title indicates. The device of Barber does not teach a magnetic field sensing system adapted to determine at least one of (a) direction, (b) heading (c) position and (d) movement based on a sensed magnetic field. Further, Barber does not teach such a device that is coupled to a radio frequency transponder, all of which is connected to a thin sheeted substrate. The alleged substrate 710 is not thin, nor is it sheeted. Thus,

Barber does not anticipate claim 53, nor does it anticipate any of the claims that depend therefrom.

Dames: Claim 53, as amended, recites a radio frequency transponder *coupled* to a magnetic field sensing system that is connected to a *thin sheeted substrate*. Dames does not teach the features of claim 53, as amended.

Dames teaches a linear position encoder. The device of Dames does not teach that a magnetic field sensing system is coupled to a radio frequency transponder. Indeed, the only mention of a transponder in Dames is at col. 18, and even then it is not clear whether this is a “*radio frequency*” transponder, only stating that an “*electronic*” transponder may be used. Moreover, the teaching of a transponder is mentioned only in passing, and there is no anticipatory teaching that this transponder is coupled to a magnetic field sensing system as claimed. Further, Dames does not teach that this transponder is connected to a thin sheeted substrate. Dames, therefore, does not anticipate claim 53, nor does it anticipate any of the claims that depend therefrom.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

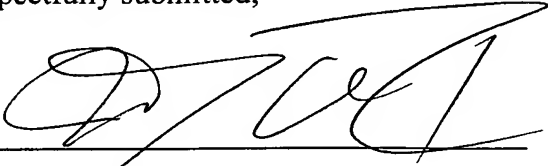
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Phan is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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